

STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #98-AP-12

The proposed annexation of
territory in Fillmore Township
to the City of Holland.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND CONCLUSIONS

The territory situated in Fillmore Township and petitioned for annexation to the City of Holland is described as follows:

Part of the West one-half of the Northeast one-quarter and part of the Northwest one-quarter of Section 10, Town 4 North, Range 15 West, Fillmore Township, Allegan County, Michigan, described as follows: BEGINNING at the North one-quarter corner of said section; thence South 88°05'14" East 725.01 feet along the North section line; thence South 00°31'41" East 1270.64 feet parallel with the North-South one-quarter line; thence North 88°05'14" West 480.01 feet; thence South 00°31'41" East 1109.24 feet along the East line of the West 15.00 acres of the Northeast one-quarter of said section; thence South 49°36'09" West 373.37 feet along the Northerly right of way line of Highway I-196 (a limited access highway); thence North 34°20'02" West 3239.15 feet along the Westerly right of way line of CSX Railroad (a 100.00 foot wide right of way); thence South 88°36'26" East 1545.02 feet along the North section line; thence South 00°31'41" East 250.00 feet; thence South 88°36'26" East 300.00 feet; thence North 00°31'41" West 250.00 feet along the North-South one-quarter line to the place of beginning.

SUMMARY OF PROCEEDINGS

- A. On November 20, 1998, a petition was filed requesting the annexation of certain territory in Fillmore Township to the City of Holland.
- B. On January 14, 1999, an adjudicative meeting was held to determine legal sufficiency with Allegan County Boundary Commissioners serving. The petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

- C. Boundary Commission staff determined pursuant to Section 5 of Public Act 191 of 1968, as amended, that Ottawa County Boundary Commissioners should serve on and be voting members of the Commission. On April 15, 1999, an adjudicative meeting was held to determine legal sufficiency with Ottawa County Boundary Commissioners serving. The petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- D. On April 22, 1999, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968, as amended.
- E. On September 9, 1999, an adjudicative meeting was held to consider the docket, and the Commission voted to approve the annexation as petitioned.

INFORMATION FROM THE RECORD

- 1. The record states:
 - The proposed area is approximately 83 acres.
 - There are no residents in the territory proposed for annexation..
 - The area is zoned agricultural and designated as prime agricultural land.
 - The state equalized value (SEV) is approximately .5% of the total SEV for the township.
- 2. The petitioner stated:
 - The petitioner, Grooters Land Development, owns contiguous property in the City which is an industrial park and wishes to continue industrial development of the proposed area.
 - Full municipal services are necessary for industrial development.
 - Industrial development of this property is a logical extension of the adjacent industrial area in the City.
- 3. The Township stated:
 - The proposed area is more suitable for residential development.
 - Grooters Land Development did request that the property be rezoned. The request was denied because the proposed area is designated residential in the master (future land use) plan.
 - The Holland area needs more residential development.
 - If growth and development of the area is taken out of Township control it could result in uncontrolled growth and urban sprawl.
 - Annexation would reward the City for its refusal to sell water to Fillmore. Holland sells water to all of its neighbors except Fillmore.

4. The City stated:
 - The City supports approval of this docket.
 - Sewer and water services are available to permit immediate development at a more economic cost due to the existing utility layout plans.
 - City utilities are right at the border of this property.
 - Grooters Land Development has been an outstanding industrial developer in the community.
5. The record states an Act 425 of 1984 Agreement, that included provisions for the City to supply water services to the proposed area, was approved by City and Township officials in 1997, but was rejected by the Township residents by a vote of 326 to 335.
6. The petitioner stated that after the defeat of the Act 425 Agreement, petitioner requested that the Township enter into an agreement for conditional land transfer of this property. The request was denied by the Township.
7. The Petitioner stated:
 - Water mains are already placed within the adjacent development immediately available to be extended into the proposed area.
 - There doesn't appear to be any way for public water to be provided in a timely, cost effective way, other than through the City.
8. The record states:
 - The City and the Township have entered into a wastewater facilities joint operating agreement.
 - Sewer is available in the City or the Township due to the agreement.
 - There are no restrictions on connection rights or volume.
 - The sewer main has been constructed to be extended from the petitioner's adjacent property.
9. The record states:
 - The petitioner wants the increased fire protection in the City.
 - The underwriters rating in the proposed area is 8.
 - The Township has 25 volunteer fire fighters.
 - The nearest fire station is 5 miles away.
 - The underwriters rating in the City is 4.
 - The City has 28 full-time fire fighters and 30 volunteer fire fighters.
 - If the area were annexed the fire station would be approximately 1.3 miles from the proposed area.
10. The record states:
 - The proposed area is zoned A-2, Restricted Agricultural District.
 - The purpose of the A-2 district is to preserve, maintain and enhance agricultural

lands not included in the A-1 Exclusive Agriculture District, but historically utilized for agricultural purposes. The intent of the District is to retain these areas in agricultural use and limit the encroachment of non-farm development.

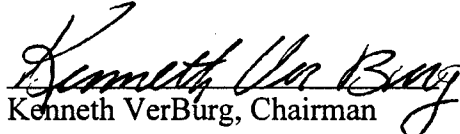
- Township Master Plan designates the proposed area as low density residential.
- Low density residential has a 20,000 square foot minimum in the Township.

THE COMMISSION FINDS THAT

1. The petitioner requested the annexation to obtain utilities and other services from the city for a proposed development project.
2. The city has the capacity and capability to provide the desired municipal services immediately.
3. The area proposed for annexation receives some of the desired governmental services, but the record shows that the township is not able to provide water to the area by a date certain.
4. The proposed annexation reflects the best of the available alternatives in providing municipal services to the area and its occupants.
5. The topographical conditions do not preclude in any substantial way the proposed annexation.
6. There are no Township residents in the proposed area so annexation will not have a substantial effect on the overall township population.
7. The proposed annexation does not conflict with any natural boundaries and drainage basins.
8. Expectations for further population growth and urban development in the area are reasonable.
9. The proposed annexation will not result in a substantial reduction of tax base or revenues of the township.
10. The proposed annexation will not have a deleterious effect on the broader community.
11. Under the jurisdiction of the City, development of the area proposed for annexation would not be inconsistent with present adjacent or nearby land use patterns.
12. The proposed annexation will result in an increase of taxes for the affected area but the increase is relatively consistent with the services that the parcel and occupants will receive.
13. The City appears to have the fiscal capacity to accommodate the additional demand for services to the proposed area.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the record of this docket in accordance with the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On September 9, 1999, State Boundary Commissioners VerBurg, Rutledge and Walker and Ottawa County Boundary Commissioners Hill and Kramer held an adjudicative meeting during which:
 - Commissioners VerBurg, Rutledge, and Walker voted to recommend annexation of the subject territory as petitioned and expanded.
 - Commissioner Hill voted to deny the annexation due to concern that urbanization will spread into rural areas of the Township and because the Township should be allowed further opportunity to provide water to the proposed area.
 - Commissioner Kramer voted to deny the annexation.
 - The staff was directed to prepare draft Findings of Fact and Conclusions.
3. On November 10, 1999, Commissioners VerBurg, Walker, Hill and Kramer held an adjudicative meeting during which:
 - the draft Findings of Fact and Conclusions was reviewed, and
 - the Commission voted to adopt the Findings of Fact and Conclusions, and to recommend that the Director of the Department of Consumer and Industry Services sign the Order.


Kenneth VerBurg, Chairman
State Boundary Commission


Date

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STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

ORDER

In the matter of:

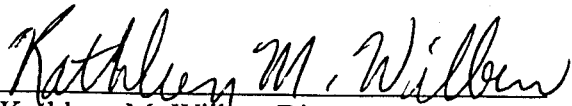
Boundary Commission
Docket #98-AP-12

The proposed annexation of
territory in Fillmore Township
to the City of Holland.

IT IS ORDERED THAT the described subject territory in Fillmore Township, Allegan County, be annexed to the City of Grand Holland.

IT IS FURTHER ORDERED THAT these Findings of Fact and Conclusions and Order shall be effective thirty days after the date the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a certified copy of the Findings of Fact and Conclusions and Order to the petitioner, the Fillmore Township Clerk, the City of Holland Clerk, the Allegan County Clerk, and the Secretary of State.


Kathleen M. Wilbur, Director
Department of Consumer and Industry Services

Date: November 29, 1999